



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN 11, TEXAS**

**WAGGONER CARR  
ATTORNEY GENERAL**

November 8, 1965

Honorable Henry Wade  
District Attorney  
Dallas County  
Dallas, Texas

Opinion No. C- 535

Re: Whether the pay raise granted by Acts, 59th Legislature, 1965, Chap. 487, p. 999, operates to forbid the payment to the County Treasurer of Dallas County, the compensation established by Art. 8019, V.C.S., for his handling of the funds of a Levee Improvement District.

Dear Mr. Wade:

You have requested the opinion of this office regarding the above question.

The 59th Legislature, by Acts, 59th Legislature, 1965, Chapter 487, page 999, which is an amendment to Section 8, Article 3883i, Vernon's Civil Statutes, authorized certain counties to grant salary increases to enumerated county officials. One of these county officials is the County Treasurer of Dallas County. The said enactment also contains the following provision:

"Sec. 2. All other salary and compensation laws applicable to the officials named in this Act are hereby repealed to the extent that they are in conflict with this Act."

A question has arisen as to whether, because of the above-quoted provision, the County Treasurer is barred from receiving the compensation provided for in Article 8019, Vernon's Civil Statutes, which is quoted in pertinent part as follows:

"The county treasurer of the county, the commissioners' court of which has jurisdiction, shall be treasurer of all levee improvement districts of which such court has jurisdiction, and as such shall execute a good and sufficient bond, payable to the levee improvement district, in a sum equal to one and one-fourth of the taxes contemplated to be paid over in any one year. . . . The treasurer, as compensation for his services, shall be allowed

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not exceeding one-fourth of one per cent upon sums received by him by and on behalf of such levee improvement district."

It is apparent that the compensation provided for in the foregoing statute is for additional duties over and above the regular duties as County Treasurer. Accordingly, it is the opinion of this office that the compensation provided for by Article 8019 does not conflict with Acts, 59th Legislature, 1965, Chapter 487, page 999, but merely constitutes an additional compensation for an additional duty. Article 8019 thus continues in full force and effect.

SUMMARY

There is no conflict between Article 8019, V.C.S., and Acts, 59th Leg., 1965, Chap. 487, p. 999. The County Treasurer is thus entitled to continue receiving compensation for the performance of his additional duties of handling the funds of levee improvement districts within his county.

Yours very truly,

WAGGONER CARR  
Attorney General

By   
Malcolm Quick  
Assistant

MLQ:ms

APPROVED:

OPINION COMMITTEE

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Wade Anderson  
John Reeves  
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APPROVED FOR THE ATTORNEY GENERAL  
By: T. B. Wright